

10/601,976
60,130-1269**REMARKS**

Applicant has amended the specification and the claims. Except for those amendments specifically discussed below, none of these amendments are connected in any way to any objection or rejection in this application. Applicant has inserted a paragraph within the specification that includes description of the attachment members and sealed plates that was included within the claims of the application as originally filed. No new matter is being entered.

Claims 7-11 have been rejected as failing to comply with the written description requirement for providing insufficient description of how to make sealed plates movable relative to one another. Applicant disagrees

Movable plates within a closed chamber are common in the damper art. A piston within a shock absorber is a plate member that seals against the walls of a chamber for isolating fluid between sections of a closed chamber. Such a configuration is common to damper assemblies and therefore would be within the understanding of a worker skilled in the art. The specification describes sealed plates 16 that are movable within the chamber 14 and prevent intermixing of the compressible medium 17 with the electro-reactive medium 19. (Specification, page 7, paragraph 25). The sealed plates prevent intermixing as do pistons within a damper, and further bear transfer a load to the compressible medium and the electro-reactive medium within the closed chamber just as a piston functions within a damper.

A worker versed in the damper art with the common understanding of the function and operation of a piston within a shock absorber, or any hydraulic cylinder, combined with this disclosure would understand how to make plates for separating compressible fluids that are movable relative to each other. While the plates are disclosed schematically, any worker in this art would understand how to construct appropriate plates. Accordingly, because the sealed plates are a common element that is well known to those skilled in the art, there is sufficient disclosure to enable a worker skilled in the art to construct the claimed device. For these reasons Applicant requests withdraw of the rejection to claims 7-11.

Claims 1-6 and 12-22 were rejected as being anticipated by Carlson et al. (U.S. 4,923,057). Claim 1 recites at least one attachment member movable relative to the housing. Further, amended claim 19 recites attaching a first member movable relative to the housing to a

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first structure and attaching a second member movable relative to the housing to a second structure movable relative to the first structure.

Carlson et al, does not disclose or suggest the limitations of an attachment member movable relative to a housing as is recited in claims 1 and 19. Carlson et al. includes a housing (32) made up of flexible layers (12). The housing (32) is flexible and includes a chamber (18) containing electro-reactive fluid (14). Changes in a magnetic field adjacent the electro-reactive fluid changes the flexibility of the housing (32). In Carlson et al, the housing (32) flexes to absorb energy. There is no relative movement to the housing (32) because the housing (32) itself moves as the variable member. The office action states that this limitation is disclosed at Col 16, lines 63-65. The referenced passage merely states that these structures may be configured in combination with other structural elements according to a desired function. However, this still does not disclose the features recited in claim 1. No matter how the Carlson et al device is configured, the housing (32) is the movable part, and therefore any attachment member will move with the housing (32), not relative to the housing as is required in claims 1 and 19. For these reasons, Applicant requests withdrawal of the rejection to claims 1-6 and 12-22.

Applicant has added claims 23-26. Claim 23 includes the limitations that the compressible medium is a hydraulic fluid. Claim 24 includes the limitation of a plate moveable within the chamber and relative to the housing to prevent intermixing between the compressible medium and the electro-reactive medium. Claim 25 includes the limitation of first and second attachment members moveable relative to the housing and each other. Claim 26 is in independent form and includes the limitation of a layer of dampening fluid and a layer of electro-reactive fluid. Carlson et al. discloses only the use of an electro-reactive fluid, not the combination of an electro-reactive fluid and a damper fluid. According, none of these limitations are shown in Carlson et al., or the referenced prior art.

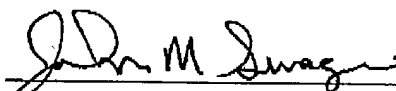
All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. The Commissioner is authorized to charge the \$72.00 (four additional claims) to Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account

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No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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